

REMARKS

The application has been amended to distinguish the claimed invention over the cited prior art and to place the application as a whole into *prima facie* condition for allowance at this time. Care has been taken to avoid the introduction of any new subject matter into the application as a result of the foregoing amendments.

Applicant acknowledges the Examiner's indication that new drawing Fig. 21 has been approved, but that the drawings remain objected to under 37 CFR 1.83(a) on the basis that the permanent seal now in the claims must be shown or the feature cancelled from the claims. One or more corrected drawing sheets are now required.

In response thereto, Applicant submits herewith new drawing sheet containing new Fig. 22, which illustrates an assembled version of package 100 of Figs. 9 - 11, with the articles and indicia bearing sheets omitted for clarity. Applicant has additionally amended the specification as indicated to make specific reference to new Fig. 22. Applicant notes the Examiner's acknowledgement (by virtue of the Examiner's instruction to Applicant that a permanent seal be shown in the drawings of the invention presently claimed, as well as the Examiner's statement that "It is recognized that the permanent seal 52 is shown in earlier drawing figures.") that that support for the foregoing amendments is provided in the application as filed. Entry and acceptance of the foregoing amendments are respectfully solicited. Applicant submits that in view of the foregoing amendments, the Examiner's basis for objection to the drawings should be deemed overcome, and reconsideration and withdrawal of the objection to the drawings are likewise respectfully solicited.

The Examiner has objected to the claims on the following bases: 1) claim 5 is purportedly missing the word "outer" between "first and second" and "layers"; and 2) claim 9 is said to appear to be a double inclusion as a result of the amendment to claim 1. In response thereto, Applicant has: 1) amended claim 5 to include the missing word; and 2) cancelled claim 9. Applicant accordingly submits that the bases for the

Examiner's objections to the claims should be deemed overcome. Reconsideration and withdrawal of the objections to the claims are respectfully solicited.

Claims 1 - 6, 9 - 11, 14 - 19 and 22 - 24 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Siegelman, US 5,881,883 in view of Heldwein, US 5,097,949 and Hill, US 5,024,536. Applicant respectfully traverses the Examiner's substantive basis for rejection of the claims.

Applicant's invention of amended claims 1 (article) and 14 (method of manufacture) are directed to a package (or a method for making a package), for the display and sale of articles, intended to be presented for display, e.g., in a retail environment. The package is formed from inner and outer layers. The inner and outer layers may be single sheets folded over, or separate sheets laid against one another. The front and rear (first and second) outer layers have heights that are less than the heights of the front and rear (first and second) inner layers. This is to facilitate the fabrication of the package, wherein, after insertion of the articles (e.g., drill bits) into the inner chambers, a crosswise permanent seal is provided across the width of the package, above the top edges of the first and second inner layers to retain the drill bits in place, without transversely sealing the outer layers to the adjacent inner layers.

Siegelman, US 5,881,883 discloses a package for the transportation of components, such as electrical components, in which two sheets are folded over and sealed to one another, to form a single inner chamber and two (front and back) outer chambers. In an embodiment of Figs. 6a and 6b, there is shown a version in which the front leg of the outer sheet has a height which is less than that of the adjacent front leg of the inner sheet. However, the rear leg of the outer sheet is the same length as the adjacent rear leg of the inner sheet. Further, there is no teaching or suggestion of having more than one inner chamber, i.e., two side-by-side inner chambers. Furthermore, there is nothing in the reference teaching or suggesting sealing the tops of the inner and outer sheets in any manner. See col. 1, lines 57 - 60, wherein it states that following the affixation of the two webs (forming the pouch) to one another, and severing of the pouches from the continuous web, "result[s] in a **finished** protective package having at least one outer pouch." (Emphasis added).

Heldwein, US 5,097,949 also discloses a bag for the transportation and shielding of electrical components, which is formed from folded over inner and outer laminated sheets, wherein the inner layers are both shorter than the outer layers.

The Hill reference discloses a reclosable and reopenable bag, having multiple compartments, which is intended to be used for the storage and transportation of food, in such a manner that there is no intermingling of food articles. The sheets which form the chambers in the Hill reference are coextensive, so that the inner and outer layers are all the same height, contrary to the incorrect assertion made by the Examiner at page 6, lines 8 - 11 that Hill somehow teaches having the top edges of the inner layers being different than the top edges of the outer layers. It is absolutely unequivocal that all of the top edges of the inner and outer layers in Hill are at the same height.

As such, whether taken individually or in combination, there is simply no teaching or suggestion in any of the Siegelman, Heldwein, or Hill references, for providing that the front and rear top edges of the outer sheets are substantially below the top edges of the front and rear top edges of the inner layers.

Therefore, Applicant respectfully submits that Applicant's inventions of amended independent claims 1 and 14 should be deemed to patentably distinguish over the cited combination of the Siegelman, Heldwein, and Hill references, and that the Examiner's substantive basis for rejection of independent claims 1 and 14 should be deemed overcome. Reconsideration and withdrawal of the rejections of claims 1 and 14, and allowance thereof, are respectfully solicited.

Inasmuch as dependent claims 2 – 11, and 15 - 23 merely serve to further define the subject matter of claims 1 and 14, respectively, which themselves should be deemed allowable, reconsideration and withdrawal of the rejections of claim 2 – 11 and 15 - 23, and allowance thereof, are likewise respectfully requested.

In view of the foregoing, Applicant respectfully submits that the Examiner's bases for rejection, in the instant application, of claims 1 - 26, should be deemed overcome. Allowance of the application as a whole, including claims 1 - 26, are respectfully solicited.

Should anything further be required, a telephone call to the undersigned, at (312) 456-8400, is respectfully invited.

Respectfully submitted,
GREENBERG TRAURIG, LLP

Dated: September 6, 2005


Douglas B. Teaney
One of Attorneys for Applicant

CERTIFICATE OF MAILING

I hereby certify that this AMENDMENT AND COMMUNICATION AFTER FINAL ACTION is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 6, 2005.

